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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,021	05/03/2001	Xiaobao X Chen	13	5703

22046 7590 08/13/2004

LUCENT TECHNOLOGIES INC.
DOCKET ADMINISTRATOR
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HOLMDEL, NJ 07733

EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,021

Applicant(s)

CHEN, XIAOBAO X

Examiner

Robert B. Harrell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03 May 2001</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> . |

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1. Claims 1-9 are presented for examination.
2. On page 2 (lines 6-10), it was stated at the TSG-SA Working Group 2 meeting no. 12 in Tokyo, 6-9 March 2000 a disclosure was made by applicant of arrangements in which a mobile system using RSW can communicate across a GPRS/UMTS network with another RSVP user; a proxy activated by the mobile receives and processes PATH messages and generates RESV messages in return. Since the date was in March of 2000, more than a year prior to 03 May 2001, all printed matter given in that meeting must be submitted to this Office in response to this Action along with information with respect to the applicant's co-pending European patent application no. BLANK (Lucent Case Namemo. X. Chen 11/IDS No. 1224131) as covered on page 2; and, any other information considered relevant.
3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed and that contains no reference to "the future".
4. The Specification and Drawings are objected to because page 1 (line 22) would suggest figure 1 is prior art. If figure 1 is prior art, it must be so labeled else page 1 (line 22) should be reworded so as to not suggest figure 1 as prior art. Also, in light of the figures in Lucent Technologies "Supporting RSVP applications in UMTS network" (TSGS2#12 S2-000368), TSGA-SA Working Group 2 meeting #12, Tokyo, Japan, (6th-9th March 2000), the applicant must label corresponding figures in this application, which are prior art, as "Prior Art". In view of the figures, title, blanks such as on page 2 (line 11), and other matters to be covered in detail below, the applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, and clarity of meaning in the Specification, Drawings, and specifically claims. Also, each of the claimed features should be shown in the Drawings, or the features cancelled (specifically, no flow charts, no flags, exc...). No New Matter shall be submitted and will not be entered.
5. The specification states, on page 2 (lines 19-20 and similar on lines 23-24 of page 2) "It is an object of the invention to provide a method of reserving resources in third or future generations of wireless mobile networks". While the Federal Circuit has stated, "[t]o violate [35 U.S.C.] 101 the claimed device must be totally incapable of achieving a useful result." *Brooktree Corp. v. Advanced Micro Devices, Inc.*, 977 F.2d 1555, 1571, 24 USPQ2d 1401, 1412 (Fed. Cir. 1992) (emphasis added), the "third" provides a useful condition of the Boolean Logic "or" of the claims, thus preventing any rejection under 35 U.S.C. 101 while the "future" limitation is ignored by examiner.
6. The following is a quotation of the first paragraph of 35 U.S.C 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected,

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to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. The specification states, on page 2 (lines 19-20 and similar on lines 23-24 of page 2) "It is an object of the invention to provide a method of reserving resources in third or future generations of wireless mobile networks". While this objection does not apply to "third" generation, it does apply to "future generations".

8. There is no written description, and/or figure(s), for "future generations of wireless mobile networks", nor a best mode, nor an enabling teaching of any "future generations of wireless mobile networks" within the whole of this application and its disclosure. In other words, the applicant has not show any future generation.

9. The claims recite a "mobile terminal" and a "remote user"; however, there is no "mobile terminal" nor "remote user" other then provided in the specification on just page 2 (line 25) which does not provide a written description, best mode, or enablement.

10. The specification is objected to under 35 U.S.C 112, first paragraph, as failing to adequately teach how to make and/or use the invention, i.e. failing to provide an enabling disclosure for the reasons indicated above. Also, claim 1 is a single step claim.

11. Claims 1-9 are rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the objection to the specification outline above.

12. The following is a quotation of the second paragraph of 35 U.S.C 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 1-9 are rejected under 35 U.S.C 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The scope of meaning of the following claim language is not clear:

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- a) "the presence"--claim 5(line 2) [*suggest replacing with -a state-*];
- b) "the PDP" - claim 9;
- c) "the Quality of Service requirement" - claim 9;
- d) "the existing PDP message - claim 9;
- e) "the flag" - claim 6 (a flag was covered in claim 2, not claim 1).

14. As to 13 (a-e) above, these are but a few examples of numerous cases where clear antecedent bases are lacking and not an exhausting recital. Any other term(s) or phrase(s) over looked by examiner and not listed above which start with either "the" or "said" and do not have a single proper antecedent bases also is(are) indefinite for the reasons outlined in this paragraph. Also, these are but a few examples where term(s) or phrase(s) are introduced more than once without adequate use of either "the" or "said" for the subsequent use of the term(s) or

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phrase(s). Moreover, multiple introductions of a term, or changes in tense, results in a lack of clear antecedent bases for term(s) or phrase(s) which relied upon the introduced term. Failure to correct all existing cases where clear antecedent bases are lacking can be viewed as non-responsive.

15. Claim 1, and thus by inheritance dependant claims 2-9, states "In a third or future generation telecommunication network". Examiner is unable to ascertain how one can predict, and thus claim, a temporal "future" with any clarity. Claims directed to "future" are permitted when the "future" is directed to a known possible outcome within a predefined set of outcomes (i.e., branch prediction in pipeline processing); but such is not the case with respect to the temporal time line since the outcomes is not within a predefined finite set of known possible outcomes.

16. Claim 1, and thus by inheritance dependant claims 2-9, recites "comparing unidirectional Resource reservation Protocol (RSVP) messages so as to detect any previous RSVP message for that session." It is not clearly certain to what the messages are to be compared as claimed (i.e., compare the messages among themselves or the set of messages with some other unclaimed element).

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

18. Claims 1-9 are rejected under 35 U.S.C. 102 (b) as being anticipated by Lucent Technologies, "Supporting RSVP applications in UMTS network" (TSGS2#12 S2-000368), TSGA-SA Working Group 2 meeting #12, Tokyo, Japan, (6th-9th March 2000).

19. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature as the whole of the reference is cited and relied upon in this action. Also as an aid, a mapping of this application figures (which the claims find support) with those of the figures provided by Lucent in the format:
application figure → Lucent figure

- a) 2 → 1 (score 1);
- b) 3 → 2 (score 2);
- c) 4 → 3 (score 3);

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- d) 5 → 44;
- e) 6 → 5 (score 5);

20. Per claim 1, Lucent taught in a third generation telecommunication network (e.g., see figure 1 (score 1) on page 2; also see page 1 (lines 12-15 for UMTS of this application along with lines 5-7 of page 1 of Lucent in the section titled "INTRODUCTION"), a method of allocating resources for user traffic (e.g., see page 1 (INTRODUCTION (lines 12 and 18 "traffic" (i.e., data packets on a network))) passing between a mobile terminal (MT of figure 1 (score 1)) and a remote user (either TE of figure 1 (score 1) on page 2 or on the External Network of same figure) comprising: comparing unidirectional Resource reSerVation Protocol (RSVP) messages so as to detect any previous RSVP message for that session (e.g., see page 4 (lines 1-9) specifically "a first-time PATH message" in which case the comparison was anticipated at the MT, in figure 2 (score 2) on page 3 first top horizontal line from TE to MT vertically down MT lines, at point PATH (from TE to MT). Thus in order to determine if the PATH message is a first-time PATH message it must be compared with the other Resource reservation Protocol RSVP messages).

21. Per claims 2, 3, 4 and 5, a flag (bit) was inherently anticipated to indicate that a RSVP message for that session (see pages 1 and 2 (line 10)) was "modified" (e.g., see page 2 (lines 8-9 "MT will generate the refreshed RESV message to the TE") by the mobile terminal after "determining" (sensing) the bit in the packet as further enumerated by "If the PATH message is a refresh message with no modified QoS parameters" on line 7 of page 2. In other words, the type of message (refresh or not) must be disguisable between the two types; in computers, binary bits were used for such a function.

22. Per claim 6, see pages 1 and 2 (line 10 "sessions") and page 2 (line 9 "PDP").

23. Per claim 7, such would be at the first point from the top and down the GGSN vertical line of figure 44 (page 5 (arrow points to the right "Modify PDP")) where the support node was "SGSN" and/or "GGSN" of figure 44 and/or figure 1 (score 1) "CN EDGE" and/or "Gateway").

24. Per claim 8, such would be the last line down GGSN vertical line (note RESV is discard from GGSN and SGSN).

25. Per claim 9, see page 7 (third paragraph).

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nokia, "RSVP Applicability Study for 3G Networks" (S2-000400), 3GPP TSG SA WG 2 Meeting #12, Tokyo, Japan, pages 1-4, (6th-9th March 2000) taught the modification for RSVP messages by adding flag bit(s) on line 9 of figure 2 (o (i)).


27. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the data of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02, 710.02(b)).

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28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

30. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.


ROBERT B. HARRELL
PRIMARY EXAMINER
GROUP 2142